

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA, §  
§  
*Plaintiff*, §  
§  
v. § CASE NO. 7:20-CV-21  
§  
2.749 ACRES OF LAND, MORE OR LESS, §  
SITUATE IN HIDALGO COUNTY, §  
STATE OF TEXAS; AND HELEN §  
CATHERINE HARDWICKE ET AL., §  
§  
*Defendants.* §

---

**COMPLAINT IN CONDEMNATION**

---

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule "B."

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules "C" and "D."

6. The interest being acquired in the property described in Schedules "C" and "D" is set forth in Schedule "E."

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule "F."

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule "G."

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule "E" of the property described in Schedules "C" and "D" be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

By: s/ Hilda M. Garcia Concepcion  
**HILDA M. GARCIA CONCEPCION**  
Assistant United States Attorney  
Southern District of Texas No.3399716  
Puerto Rico Bar No. 15494  
1701 W. Bus. Highway 83, Suite 600  
McAllen, TX 78501  
Telephone: (956) 618-8004  
Facsimile: (956) 618-8016  
E-mail: [Hilda.Garcia.Concepcion@usdoj.gov](mailto:Hilda.Garcia.Concepcion@usdoj.gov)

# **SCHEDULE A**

**SCHEDULE A**

**AUTHORITY FOR THE TAKING**

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

# **SCHEDULE B**

**SCHEDULE B**

**PUBLIC PURPOSE**

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

# SCHEDULE C

**SCHEDULE C**

**LEGAL DESCRIPTION**

Hidalgo County, Texas

Tract: RGV-MCS-2117

Owner: Helen Catherine Hardwicke, et al.

Acres: 2.749

**County: Hidalgo**

**Grantor: John B. Hardwicke Company**

**Acreage: 2.749**

**Being a 2.749 acre (119,732 square feet) parcel of land, being out of Porción 54, being out of a portion of Lot 9-5 of West Sharyland Addition recorded in Volume 1, Page 56, Map Records of Hidalgo County, Texas and being the same tract of land conveyed to John B. Hardwicke Company by Warranty Deed recorded in Volume 925, Page 192, Deed Records of Hidalgo County, Texas ("Tract No. 7"), said parcel of land being more particularly described by metes and bounds as follows;**

**Commencing at a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-MCS-2126-1-12", said point being at the south corner of a called 4.135 acre tract conveyed to Hardwicke, Hardwicke & Hardwicke, LTD. by Warranty Deed recorded in Instrument No. 2007-1840309, Official Records of Hidalgo County, Texas ("Tract II") and the northwest corner of a called 2.654 acre tract conveyed to Hardwicke, Hardwicke & Hardwicke, LTD. by Warranty Deed recorded in Instrument No. 2007-1840309, Official Records of Hidalgo County, Texas ("Tract I"), said point being in the northeast line of the river levee right-of-way conveyed to the United States of America by Easement Deed recorded in Volume 542, Page 165, Deed Records of Hidalgo County, Texas ("R/W 749-H"), said point having the coordinates of N=16588194.977, E=1037027.263;**

**Thence: N 44-41-35 W (S 44-29-00 E, Record), with the northeast line of the "R/W 749-H" river levee right-of-way and the southwest line of the 4.135 acre tract, for a distance of 91.07' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-MCS-2126-1-11=2117-1" for the Place of Beginning and east corner of Tract RGV-MCS-2117, said point being at the east corner of the John B. Hardwicke Company tract, said point being in the northeast line of the "R/W 749-H" river levee right-of-way, the southwest line of the 4.135 acre tract and the south line of Lot 9-5, said point having the coordinates of N=16588259.717, E=1036963.213;**

**Thence: N 81-25-10 W, departing the southwest line of the 4.135 acre tract, with the south line of the John B. Hardwicke Company tract and the south line of Lot 9-5, over and across the "R/W 749-H" river levee right-of-way, passing at 214.67' the southwest line of the "R/W 749-H" river levee right-of-way, continuing for a total distance of 443.72' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-MCS-2126-**

1-10=2117-2" for the southwest corner of Tract RGV-MCS-2117, said point being in the south line of the John B. Hardwicke Company tract and the south line of Lot 9-5;

**Thence:** N 45-02-48 W, over and across the John B. Hardwicke Company tract and Lot 9-5, for a distance of 167.36' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-MCS-2117-3=2116-1" for the west corner of Tract RGV-MCS-2117, said point being in the west line of the John B. Hardwicke Company tract and the west line of Lot 9-5;

**Thence:** N 08-34-50 E, with the west line of the John B. Hardwicke Company tract and the west line of Lot 9-5, passing at 178.76' the southwest line of the "R/W 749-H" river levee right-of-way, continuing for a total distance of 341.27' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-MCS-2117-4=2116-15" for the north corner of Tract RGV-MCS-2117, said point being at the north corner of the John B. Hardwicke Company tract, said point being in the west line of Lot 9-5, the northeast line of the "R/W 749-H" river levee right-of-way and the southwest line of the 4.135 acre tract, said point bears S 48-42-09 E, a distance of 2157.07' from United States Army Corps of Engineers Control Point No. 102;

**Thence:** with the northeast line of the John B. Hardwicke Company tract, the northeast line of the "R/W 749-H" river levee right-of-way and the southwest line of the 4.135 acre tract, the following courses and distances:

- S-43-41-10 E, for a distance of 355.26' to a set 5/8" rebar with a "MDS" aluminum disk capped survey marker stamped with the following description: "RGV-MCS-2117-5" for an angle point of Tract RGV-MCS-2117;
- S-44-33-10 E, for a distance of 371.88' to the **Place of Beginning.**



**Note:** All bearings, distances and coordinates are referenced to the Texas State Plane Coordinate System, South Zone grid (SPCS 4205) NAD'83. Values may be converted to ground values using a combined scale factor of 1.000040000.

Prepared Date 12/21/2018

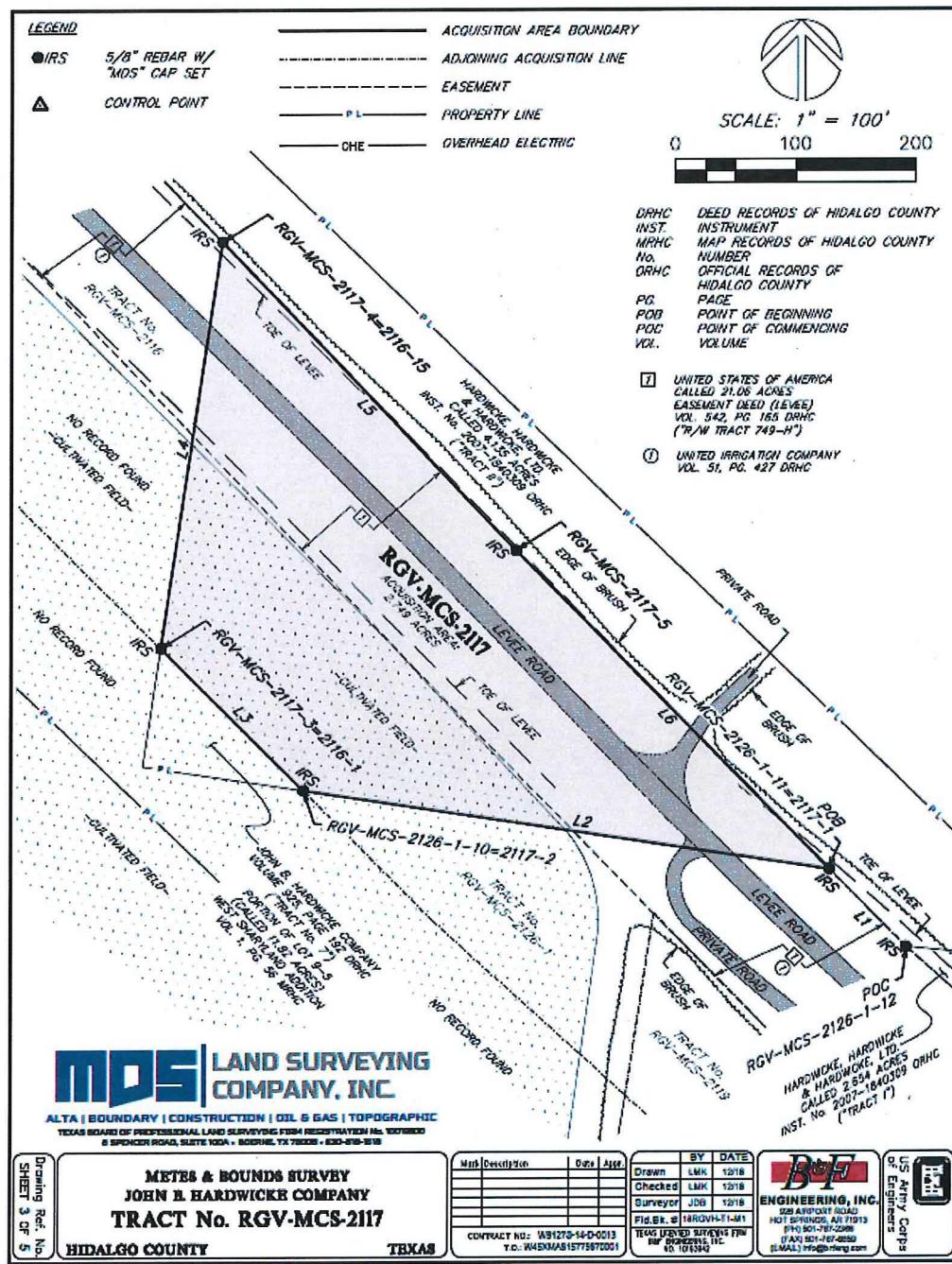
Revision Date \_\_\_\_\_

Signed \_\_\_\_\_

MDS Land Surveying Company, Inc.  
Jeff Boerner, R.P.L.S. No. 4939



# **SCHEDULE D**

**SCHEDULE D****MAP or PLAT**

Tract: RGV-MCS-2117

Owner: Helen Catherine Hardwicke, et al.

Acreage: 2.749 acres

**SCHEDULE D,****Cont.**

LINE	MEANING	DISTANCE	NEC-MEANING	NEC-DISTANCE
1	N 44°41'35" W	91.07'	S 44°29'06" E	N/A
2	N 81°25'10" W	443.72'	N/A	N/A
3	N 45°02'48" W	161.36'	N/A	N/A
4	N 08°34'50" E	341.27'	N/A	N/A
5	S 43°41'10" E	355.26'	N/A	N/A
6	S 44°33'10" E	371.88'	N/A	N/A
7	S 48°42'09" E	2137.07'	N/A	N/A

COORDINATE TABLE

MONUMENT NAME	NORTHING	EASTING
RGV-MCS-2126-1-12	16588194.977	1037027.263
RGV-MCS-2126-1-11=2117-1	16588259.717	1036963.213
RGV-MCS-2126-1-10=2117-2	16588325.820	1036524.455
RGV-MCS-2117-3=2116-1	16588444.166	1036406.919
RGV-MCS-2117-4=2116-15	16588761.621	1036456.943
RGV-MCS-2117-5	16588524.723	1036702.312

## NOTES

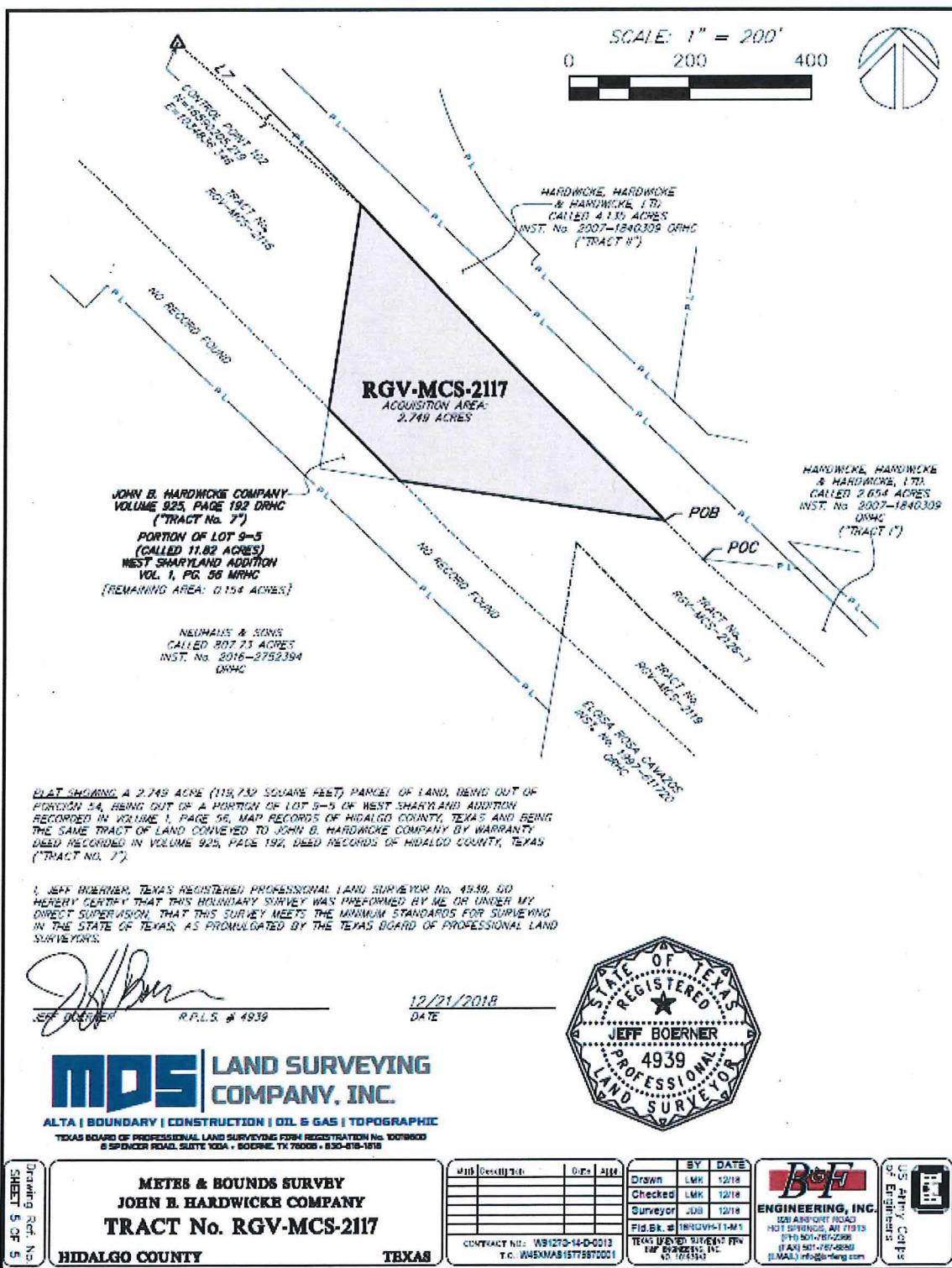
1. THE BEARINGS, DISTANCES, AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD83(2011) / TX SOUTH ZONE (4200), US SURVEY FEET. USING THE CORS(2011) ADJUSTMENT, THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO SLOPES (SURFACE) USING THE TRAVIS COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID X 1.000040000 = SURFACE).
2. A SEPARATE METES AND BOUNDS DESCRIPTION OR BOUND DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
3. THE SQUARE FOOTAGE TOTAL RECDN HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE REMAINING ACRES OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.
5. FIELD SURVEY COMPLETED 11/7/2018.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. MOS LAND SURVEYING COMPANY, INC HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS A SUBCONSULTANT TO B&F ENGINEERING, INC, THE PRIME CONSULTANT. THE CORPS' CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CUNLEY, HPLS (817) 286-1143.

ALTA | BOUNDARY | CONSTRUCTION | OIL & GAS | TOPOGRAPHIC  
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS FORM REGISTRATION No. 10016000  
6 SPENCER ROAD, SUITE 100A - SUCCIN, TX 78506 - 830-676-1878

Drawing Ref. No. <b>TRACT No. RGV-MCS-2117</b>	SHEET 4 OF 5	METES & BOUNDS SURVEY JOHN B. HARDWICKE COMPANY TRACT No. RGV-MCS-2117			S/N 0001	S/N 0001	S/N 0001	
		HIDALGO COUNTY	TEXAS	COPYRIGHT © 2018 BY JOHN B. HARDWICKE COMPANY				
CONTRACT NO.: AB1234-12-0-0013 T.C. WAKEMAN#575970001			BY DATE			B&F ENGINEERING, INC. 1201 ALVAREZ ROAD HOT SPRINGS, AR 71913 P.O. BOX 762-2000 U.S. MAIL ZIP CODE 71913 E-Mail: info@bfeng.com		
			Drawn	LMK	12/18			
			Checked	LMK	12/18			
			Surveyor	JOB	12/18			
			Fld. Blk. #	TRAILER-L-T-1-A-1				
			TEXAS DEPARTMENT OF NATURAL RESOURCES DIVISION OF SURVEYING P.O. BOX 12777 AUSTIN, TX 78711-2777					

MOS PROJ. NO. 18-000400 FILE NAME: RGV-MCS-2117 DATE 12/01/2018



**SCHEDULE D,****Cont.**

# **SCHEDULE E**

**SCHEDULE E**

**ESTATE TAKEN**

Hidalgo County, Texas

Tract: RGV-MCS-2117

Owner: Helen Catherine Hardwicke, et al.

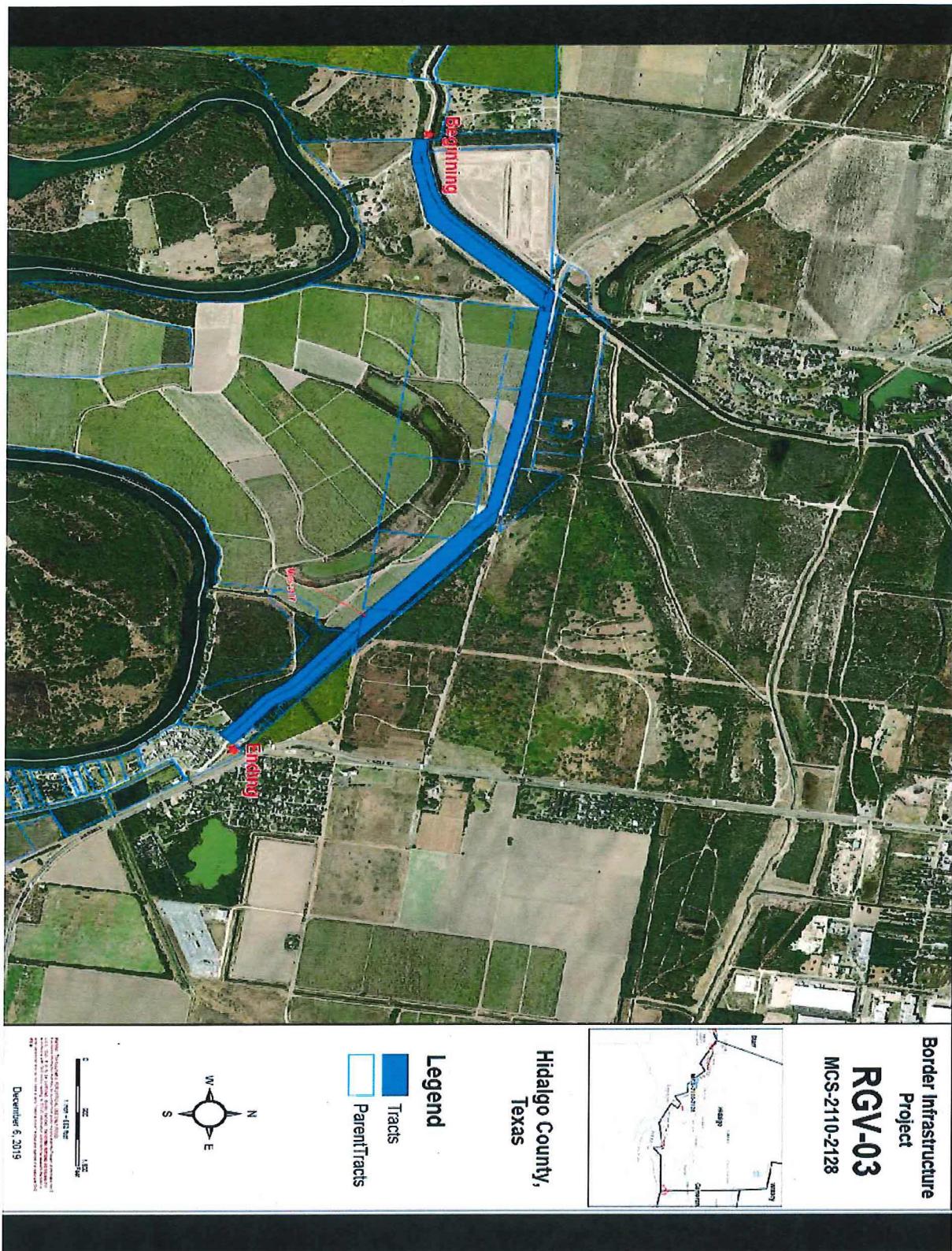
Acres: 2.749 acres

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of lands identified in Warranty Deed Volume 925, Page 192, ("Tract No. 7") Deed Records of Hidalgo County, Texas reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

**SCHEDULE E (cont.)**



# **SCHEDULE**

# **F**

**SCHEDULE F**

**ESTIMATE OF JUST COMPENSATION**

The sum estimated as just compensation for the land being taken is TWENTY-TWO THOUSAND FOUR HUNDRED EIGHTY-NINE DOLLARS AND NO/100 (\$22,489.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

# **SCHEDULE G**

**SCHEDULE G****INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party
<b>Helen Catherine Hardwicke</b> Address unknown
<b>Alexandra Elizabeth Hardwicke</b> Address unknown
<b>Mary Irene Hardwicke Olivier</b> [REDACTED], Tucson, AZ 85743-8609
<b>James Bennett Hardwicke</b> [REDACTED], McAllen, TX 78502-3007
<b>Richard Bruce Hardwicke</b> [REDACTED], McAllen, TX 78502-3007
<b>Sally Ann Hardwicke Brace</b> [REDACTED], McAllen, TX 78502-3007
<b>John B. Hardwicke VI</b> Address unknown
<b>John B. Hardwicke Co.</b> [REDACTED], McAllen, TX 78502-3007
<b>Neuhaus &amp; Sons,</b> [REDACTED] Weslaco, TX 78599
<b>Hidalgo County</b> Pablo (Paul) Villarreal Jr. Tax Assessor-Collector 2804 S. Business Hwy 281 Edinburg, TX 78539 (956) 318-2157

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Hilda M. Garcia Concepción, United States Attorney's Office, SDTX,  
1701 West Bus. Hwy. 83, Ste. 600, McAllen, TX 78501**DEFENDANTS**2.749 Acres of Land, More or Less, Situate in Hidalgo County, State  
of Texas; and J.B. HARDWICKE COMPANYCounty of Residence of First Listed Defendant \_\_\_\_\_ Mission  
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.Attorneys (If Known)  
Mark Twenhafle**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question<br>(U.S. Government Not a Party)          |
| <input type="checkbox"/> 2 U.S. Government Defendant            | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	PTF	DEF	
	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<b>PERSONAL PROPERTY</b>	<b>LABOR</b>	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 891 Agricultural Acts
<input checked="" type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<b>Habeas Corpus:</b>	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 864 SSID Title XVI	
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 865 RSI (405(g))	
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
			<b>FEDERAL TAX SUITS</b>	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	
			<b>IMMIGRATION</b>	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN** (Place an "X" in One Box Only)

- |   |   |  |   |  |  |   |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

40 U.S.C. 3113 and 3114

**VI. CAUSE OF ACTION**Brief description of cause:  
Land condemnation proceeding for temporary easement (right of entry) to survey and conduct testing.**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER \_\_\_\_\_

DATE

01/24/2020

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE